Ø 001

OCT 0 6 2005



DLA Piper Rudnick Gray Cary US LLP 153 Townsend Street, Suite 800 San Francisco, California 94107-1907 O 415.836.2522 F 415.836.2501 W www.dlapiper.com

FAX TRANSMISSION COVER SHEET

October 6, 2005

To:

Telephone:

Fax Number:

Attn.: Group Art Unit 3738

(571) 273-8300

United States Patent and Trademark

Office

Andrew V. Smith (Reg. No. 43,132) Client-Matter Number: 355004-991501

415.836,2500

Re:

U.S. Patent Application No. 09/811,360

Filing Date: March 16, 2001

First Named Inventor: Eugene M. Wolf

Art Unit: 3738

Examiner: Javier G. Blanco

Attorney Docket No.: 355004-991501

Pages: - 23 - (including this form)

Originals:

If there is a problem with this transmission, please call

Fax Operator/Ext.

Message:

Please see attached for filing in the above-identified U.S. patent application.

CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

Serving clients globally

SF\3115923.1

PAGE 1/16 * RCVD AT 10/6/2005 2:45:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:415 836 2501 * DURATION (mm-ss):05-04

BEST AVAILABLE COPY

Ø 002

OCT 0 6 2005

PTO/5/8/21 (09-04) Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/B11,360 TRANSMITTAL Filing Date March 16, 2001 First Named Inventor **FORM** Eugene M. Wolf Art Unit **Examiner Name** Javier G. Blanco (to be used for all correspondence after initial filling) Attorney Docket Number 255004-991501 Total Number of Pages In This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC $[\checkmark]$ Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please identify Terminal Disclaimer Extension of Time Request - 2 mos. below): Two (2) Declarations - Eugene M. Wolf, Request for Refund Express Abandonment Request M.D. and Glenn B. Pfeffer, M.D. 2. Deposit Account Authorization CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name DLA Piper Rudnick Gray Cary US LLP Signature Printed name Andrew V. Smith Date Reg. No. October 6, 2005 43,132 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mall in an envelope addressed to: Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22313-1450 on the date shown below: Signature Date Ta-Tanisha L. Moore October 6, 2005 Typed or printed name

This collection of Information is required by 37 CFR 1.5. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO, Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commission of the Variance of Variance

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 2/16 * RCVD AT 10/6/2005 2:45:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:415 836 2501 * DURATION (mm-ss):05-04